

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

IN THE MATTER OF THE ARREST OF:)
TOBY C. LEWIS)
) Case No. 1:19MJ4114-JDG
)
)

I, Casey T. Carty, being first duly sworn, hereby depose and state as follows:

Affidavit

I, Casey T Carty, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Cleveland Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since April 2004, and am currently assigned to the FBI's Cleveland Division. While employed by the FBI, I have conducted investigations of numerous federal criminal offenses including white collar crimes, crimes against children, violent crimes and narcotics offenses. I have gained experience through training at the FBI Academy and everyday work related to these types of investigations.
2. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.
3. This affidavit is being submitted for the limited purpose of establishing probable cause that Toby C. Lewis, age 24, of Elyria, OH has violated Title 21 U.S.C. Section 841(a)(1) and (b)(1)(C) [distribution of controlled substances], and Title 18 U.S.C. Section 924(c) [use of a firearm in relation to a drug trafficking offense]. The

statements contained in this affidavit are derived from information provided to me by members of the Elyria Police Department (EPD) as well as my own investigation of this matter. This affidavit does not include every fact known to me regarding this investigation, but will seek to summarize relevant information.

Probable Cause

4. In May 2019 members of the Elyria Police Department (EPD) Narcotics Bureau began a drug investigation into alleged drug trafficking of Toby C. Lewis. This investigation made use of controlled purchases of narcotics from Lewis in which a Confidential Informant (CI), acting under the direction and control of law enforcement, purchased suspected fentanyl from him.
5. On June 3rd, 4th, and 5th, 2019, a CI purchased small quantities of suspected fentanyl from Lewis on behalf of law enforcement. Prior to each controlled purchase, Lewis was observed leaving his apartment complex at 2425 W River Rd N, Elyria, OH and driving a rented black 2018 Jeep bearing Virginia tag UVF 8379 to meet with the CI. Each meeting was captured via a covert audio/video recording device carried by the CI, and Lewis is clearly visible in each recording. In each instance, the drugs sold by Lewis to the CI weighed less than one gram and field tested positive as fentanyl.
6. Based on the drug investigation involving the controlled purchases of suspected fentanyl from Lewis described in Paragraph 5, EPD sought a warrant authorizing a search of his apartment and vehicle from the Lorain County Court of Common Pleas. This warrant was signed by Judge Chris Cook of the Lorain County Court of Common Pleas on June 5, 2019, and authorized a search of Lewis's apartment at

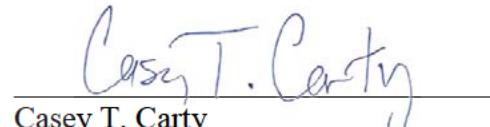
2425 W River Rd N, Apt 115, as well as the rented 2018 Jeep which he was observed driving. Lewis resided at this apartment along with his girlfriend and her mother.

7. On June 6, 2019, a search team consisting of members of the EPD Narcotics Bureau, the EPD Detective Bureau and I executed the search warrant on Lewis's apartment and vehicle. Numerous items of evidence were located in both the vehicle and the apartment. In the Jeep, the search team located a baggie approximately 14.3 grams which field tested positive for the presence of cocaine, two baggies weighing approximately 13.53 grams in total which field tested positive for the presence of fentanyl, and (3) narcotic tablets. In the apartment, the search team located (2) digital scales of the type commonly used by drug traffickers and \$1470 in cash in the bedroom used by Lewis. Included in the \$1470 was \$50 worth of police buy money from the controlled buys described in Paragraph 5. In the bedroom used by Lewis's girlfriend's mother, the search team located a Glock Model 23, .40 caliber pistol with a loaded 22-round extended magazine bearing serial number SBK010.
8. During the execution of the search warrant, Lewis was advised of his rights pursuant to *Miranda*, and he agreed to speak with Detectives on scene. Lewis spoke with Detectives and me on scene, and continued to speak with us after he was transported from his apartment back to EPD. In summary, Lewis stated the following:
9. Lewis admitted that the pistol, which he identified as a Glock 23 with an extended magazine containing 22 rounds, was his and that he kept it for protection. He admitted that because many people knew of his involvement in drug trafficking, he needed a gun for protection of his stash (of drugs), his money, and his family. He admitted ownership of the crack cocaine, heroin and Percocets located in the rented

Jeep Cherokee by the search team. Lewis stated flatly, "I sell drugs", and admitted to driving the Jeep. He admitted to possessing the pistol because as a drug dealer he is a likely target for robbery and therefore needed it for protection.

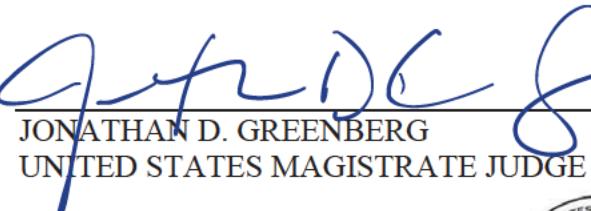
Conclusion

10. Based on the preceding, I believe that probable cause exists to believe that Toby C. Lewis, age 24, of Elyria, OH has violated Title 21 U.S.C. Section 841(a)(1) and (b)(1)(C) [distribution of controlled substances and possession with intent to distribute controlled substances], and Title 18 U.S.C. Section 924(c) [use of a firearm in relation to a drug trafficking offense].



Casey T. Carty
Special Agent
Federal Bureau of Investigation

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per Crim. R. 41(d)(3) this 12th day of June, 2019.



JONATHAN D. GREENBERG
UNITED STATES MAGISTRATE JUDGE

